

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

THOMAS HOSEK,

Complainant,

VS .

COMMONWEALTH EDISON COMPANY,

Respondent.

Chicago, Illinois

July 24, 2012

Met, pursuant to notice, at 1:00 p.m.

BEFORE :

LESLIE D. HAYNES, Administrative Law Judge

APPEARANCES :

MARK L. GOLDSTEIN, PC, by

MR. MARK L. GOLDSTEIN

3019 Province Circle

Mundelein, Illinois 60060

(847) 949-1340

for Commonwealth Edison Company;

SULLIVAN REPORTING COMPANY, by

Auhdikiam Carney, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
DENNIS DOLECHECK					

66	76	93
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E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
1	68	78
2	61	78
3	73	78

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I call Docket 11-0661.
3 This is the complaint of Thomas Hosek versus
4 Commonwealth Edison Company. This is a complaint as
5 to service in Homer Glen, Illinois.

6 May I have the appearances for the
7 record, please.

8 MR. THOMAS HOSEK: Thomas Hosek, 12200 Choctaw
9 Trail. Homer Glen, Illinois 60491.

10 MR. GOLDSTEIN: For Commonwealth Edison
11 Company, Mark L. Goldstein, 3019 Province Circle,
12 Mundelein, Illinois 60060. My telephone number is
13 (847) 949-1340. With me this afternoon is Erin
14 Buechler of ComEd as well as our witness, Dennis
15 Dolecheck.

16 JUDGE HAYNES: Can you spell that for the
17 record.

18 MR. DENNIS DOLECHECK: D-o-l-e-c-h-e-c-k.

19 JUDGE HAYNES: Okay. Today is the evidentiary
20 hearing and it's your opportunity to present your
21 evidence. Mr. Hosek, as the complainant you will be
22 going first. After you present your position,

1 ComEd's attorney will have the opportunity to
2 question you. And then Com Ed will present their
3 witness and you may question their witness. And so
4 before you get started, let's go ahead and swear you
5 in and also the ComEd witness.

6 (Witness sworn.)

7 THOMAS HOSEK,
8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 JUDGE HAYNES: Mr. Hosek, you may begin.

11 MR. THOMAS HOSEK: Basically my complaint is
12 the number of outages we've had over the years.
13 We've had two more since the last hearing and that
14 brings it up to a total of 18 over the years. It
15 seems to affect seven houses on my block and I know
16 of one other addresses on Aldega that's affected by
17 the power outages repeatedly. The homes around us
18 are with power while we're without power.

19 I've got some questions from this
20 information you gave me about power outages on my
21 street that didn't make sense. I was wondering if
22 you can clarify that.

1 MR. GOLDSTEIN: Well, we have a witness who
2 will testify as to the outages and Mr. Hosek is
3 obviously free to ask him questions with respect to
4 the exhibit.

5 JUDGE HAYNES: Okay. So we can deal with that
6 exhibit later. Other than that, what else did you
7 want to say?

8 MR. THOMAS HOSEK: I guess from the
9 documentation that Edison provided me showing the
10 number of outages we've had over the years and is
11 still occurring. The source of it I don't know. I'm
12 waiting to hear from their engineer.

13 JUDGE HAYNES: Okay. So you said 18 outages
14 over the years. How many years?

15 MR. THOMAS HOSEK: Since '04. I believe their
16 documentation goes back to '01 -- I take it back,
17 '01.

18 JUDGE HAYNES: Okay. And so what's your
19 specific request?

20 MR. THOMAS HOSEK: One, I want them to identify
21 what the problem is and why this is happening. Two,
22 it only affects eight homes that I have been able to

1 identify. After that, I don't know how the power
2 feeds go. I don't know who the neighbors are that
3 are affected. And the one thing I was going to raise
4 today is, I was wondering -- I read that you're
5 supposed to send out a customer survey to the
6 residents about service as a requirement.

7 JUDGE HAYNES: Okay.

8 MR. THOMAS HOSEK: I was wondering when was the
9 last survey was taken and what kind of comments
10 you've had on that. Until I'm able to identify all
11 the neighbors and go talk to them all to find out
12 exactly how many are exhibiting the loss of power at
13 the same time we are -- because some of the numbers
14 don't add up from the information they've given me.
15 When we had the big outage last year, for 24 hours I
16 was told 23 people were out of service; but I believe
17 there's a document here that shows up to 42 were out
18 of service.

19 JUDGE HAYNES: So that was last July?

20 MR. THOMAS HOSEK: July.

21 JUDGE HAYNES: July '11?

22 MR. THOMAS HOSEK: Right.

1 JUDGE HAYNES: What survey are you talking
2 about?

3 MR. THOMAS HOSEK: I had it up on the Internet.
4 Let me see if I printed that out, too. No, I didn't
5 print that out, but I was reading it on the Internet
6 on the Commerce Commission site about the rules and
7 everything.

8 JUDGE HAYNES: Okay. So just so the record is
9 clear, do you have the dates of your outages?

10 MR. THOMAS HOSEK: Provided by ComEd?

11 JUDGE HAYNES: Just whatever you're relying on
12 for your complaint. What are your dates for outages?

13 MR. GOLDSTEIN: Judge, those dates are listed
14 on ComEd Exhibit 1 as well as an additional outage
15 that was not shown on ComEd Exhibit 1, which is shown
16 on ComEd Exhibit No. 2. I assume that those dates
17 pretty much correspond to what Mr. Hosek is
18 complaining about.

19 JUDGE HAYNES: Is that accurate, Mr. Hosek.

20 MR. THOMAS HOSEK: As far as I can determine,
21 yes.

22 JUDGE HAYNES: So you didn't keep your own

1 records over the years of these outages?

2 MR. THOMAS HOSEK: No. I didn't realize I
3 would end up here.

4 JUDGE HAYNES: Is there anything else you want
5 to add before we call the ComEd witness?

6 MR. THOMAS HOSEK: No. I want to listen to
7 him.

8 JUDGE HAYNES: Okay. We'll get right to that
9 then.

10 Mr. Goldstein, call your witness.

11 MR. GOLDSTEIN: Just a minute, your Honor.

12 JUDGE HAYNES: Do you have any cross of
13 Mr. Hosek?

14 MR. GOLDSTEIN: No.

15 I would call Mr. Dennis Dolecheck as
16 our witness, Judge.

17 DENNIS DOLECHECK,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:
20
21
22

1 DIRECT EXAMINATION

2 BY

3 MR. GOLDSTEIN:

4 Q State your name for the record?

5 A Dennis Dolecheck, D-o-l-e-c-h-e-c-k.

6 Q You are employed by ComEd?

7 A I am.

8 Q And what is your title?

9 A Senior engineer tech specialist.

10 Q And how long have you been employed by

11 ComEd?

12 A Just under 15 years.

13 Q And in the same position as the senior tech

14 specialist?

15 A No.

16 Q Give us some of your background with ComEd?

17 A I worked in the relay and protection group,

18 which is for the high voltage transmission line. I

19 was also a project manager for several years and now

20 I'm a distribution reliability tech specialist.

21 Q And what is your educational background

22 which would fit into your job?

1 A I have a bachelor's degree in science and
2 electrical engineering deemed in 1987 from Iowa State
3 University, and I've worked as an engineer for
4 25 years.

5 Q And you're a registered engineer in the
6 State of Illinois?

7 A No. I am not registered.

8 Q And could you describe your duties as a
9 senior engineer tech specialist?

10 A What we do in my group is we review outages
11 for customers. We look for time, location, cause,
12 and we try to correlate those into some sort of
13 pattern so that we can make some sort of prediction
14 of possible future outages. And if we can make those
15 correlations, then we act to prevent those outages.

16 Q And how did you become familiar with
17 Mr. Hosek's property and the outages that occurred
18 at his property?

19 A I was asked by Erin to review the case that
20 was an ICC form complaint. I was not aware of it
21 before then.

22 Q And let me show you what has been marked as

1 ComEd Exhibit 1. Let's start by identifying what
2 Exhibit 1 is, Mr. Dolecheck.

3 (Whereupon, ComEd Deposition
4 Exhibit No. 1 was marked for
5 identification.)

6 THE WITNESS: This is a report out of CIMS, the
7 customer information system which gives a high level
8 explanation or listing of Mr. Hosek's outages.

9 BY MR. GOLDSTEIN:

10 Q And this covers a period from July 2001,
11 though June 29, 2012; is that correct?

12 A Yes.

13 Q And have you had a chance to have an
14 opportunity to review the various reports that are
15 shown as attached in ComEd Exhibit 1?

16 A As part of my review for this whole case, I
17 reviewed the outage all the way back to the beginning
18 of 2010. I did not review further back than 2010.

19 Q And --

20 A Which is fairly normal.

21 Q -- ComEd Exhibit 1 is an exhibit that's
22 part of the Company's books and records, is it not?

1 A Yes.

2 Q And these records are kept in the ordinary
3 course of ComEd's business?

4 A Yes.

5 Q All right. Let's look at Page 1 of the
6 exhibit, Mr. Dolecheck. Let's start with some of the
7 terms that are used on Page 1.

8 A Uh-huh.

9 Q The first is "weather related." What does
10 that refer to?

11 A Normally weather related would refer to --
12 there are several subcategories, but typically that
13 would be lightening or possibly very high wind would
14 normally be the two weather causes.

15 Q The next one is "equipment/material
16 failure." What does that relate to?

17 A That can be a lot of different items. It
18 could be a wire that broke or a splice that failed.
19 It could be a transformer that failed. It could be
20 an underground vault. There's a tremendous amount of
21 equipment between the station and the customer, so
22 there's a lot of items there.

1 Q And then there's the term "tree/vegetation
2 related." What is that?

3 A That normally refers to a term as broken
4 limb or trunk or either a limb has come off and
5 knocked down the line or flashed the line, the whole
6 tree, the trunk is broken and come down a line.

7 Q And finally there is a term "public
8 damage." Do you see that term listed on Page 1?

9 A I do.

10 Q What does that refer to?

11 A Public damage is normally one of three
12 things, some sort of vehicle ran into the pole and
13 knocked it out. Recently public damage has been
14 quite a few air balloons hit the lines or sometimes
15 it's a dig in. Contractors or somebody is out
16 digging for a sewer line and they will dig into our
17 equipment.

18 Q And you've examined, have you not, the
19 specific outages that began on October 27th, 2010,
20 forward to date?

21 A Yes.

22 Q And how would you characterize those

1 outages as shown on the attachment to Exhibit 1?

2 A Well, I reviewed the outages. Again, the
3 criteria would be looking for items that related in
4 cause and time and location and some form where you
5 establish a trend or a pattern. I went through each
6 one and their locations and there was no cause or
7 pattern that I could identify that would be a trend.
8 I'm not sure I answered your question.

9 Q And whatever the causes of the various
10 outages that are shown on Exhibit 1 are shown in more
11 detail on the following pages in that exhibit; is
12 that correct?

13 A That is correct.

14 Q Now, let's turn to ComEd Exhibit No. 2.

15 JUDGE HAYNES: Can I interrupt real quick.

16 What is the -- the duration is in
17 minutes here?

18 THE WITNESS: Yes.

19 (Whereupon, ComEd Deposition
20 Exhibit No. 2 was marked for
21 identification.)
22

1 BY MR. GOLDSTEIN:

2 Q Let's now turn to ComEd Exhibit 2,

3 Mr. Dolecheck.

4 A Okay.

5 Q And that adds one additional outage that

6 occurred on July 19th, 2012, (sic) does it not?

7 A It looks like the 18th.

8 Q Thank you.

9 And could you tell us what type of an

10 outage it was and how ComEd dealt with the outage?

11 A There was a transformer bushing just inside

12 of the beginning of Mr. Hosek's subdivision that

13 caused the transformer to fail. ComEd, the way they

14 normally address that is to do switching to restore

15 it and then they replace the transformer and the

16 bushing to restore service permanently.

17 Q Okay. And ComEd Exhibit No. 2 is also part

18 of the Company's books and records, is it not?

19 A Yes, it is.

20 Q And it's kept in the ordinary course of

21 ComEd's business?

22 A Yes.

1 Q Let's turn to ComEd Exhibit 3. This is
2 obviously a redacted version of what is part of
3 ComEd's books and records, is it not?

4 A Yes.

5 Q And this would be in its entirety kept in
6 the ordinary course of ComEd's business, would it
7 not?

8 A Yes. You can look up each one individually
9 if you so choose.

10 Q And there are certain privacy requirements
11 that require there be certain redactions made on this
12 particular exhibit; isn't that correct?

13 A Yes, I believe so.

14 (Whereupon, ComEd Deposition
15 Exhibit No. 3 was marked for
16 identification.)

17 BY MR. GOLDSTEIN:

18 Q All right. Now, with respect to the four
19 outages that are shown there on ComEd Exhibit No. 3,
20 if you recall Mr. Hosek's testimony, he said that he
21 was aware of about seven or eight people who are
22 affected by the same outages. You showed different

1 numbers there, do you not?

2 A I do.

3 Q And what is the reason for that?

4 A I can't speak to Mr. Hosek's numbers.

5 These are the numbers as recorded in the course of

6 ComEd's regular business for the number of customers

7 affected on those outages.

8 Q And it also shows the cause for each one of

9 those outages, does it not?

10 A It does. This was a report I put together

11 for this hearing, although I did it prior to the most

12 recent outage as you can see.

13 Q And you, in fact, made an inspection of

14 Mr. Hosek's property, did you not?

15 A Not his property, but the feeder that leads

16 to his property, yes. His service is underground, so

17 it's not really much to see. But I inspected

18 everything from the start of the feeder -- we use the

19 term "feeder" -- to where it went underground.

20 Q When did you do this?

21 A Actually, I had done it before, but I did

22 it yesterday.

1 Q And based upon your investigation and
2 analysis of what you saw yesterday as well as the
3 documentation, that is ComEd Exhibits 1, 2, and 3,
4 did you come to any conclusion about the outages at
5 Mr. Hosek's property?

6 A I conclude, as did the engineer that did
7 the initial complaint last year, that the outages
8 were not related in cause or location and therefore
9 no trend was identified.

10 Q And so is there any specific solution that
11 could be applied to Mr. Hosek and those seven or
12 eight customers that he's talking about?

13 A No.

14 Q Is there anything else you would like to
15 add to your testimony?

16 A No. I think you covered it.

17 MR. GOLDSTEIN: I have nothing else, Judge. I
18 would move into evidence ComEd Exhibits 1, 2, and 3.

19 JUDGE HAYNES: Do you have any objections to
20 entering these three exhibits into the record?

21 THE WITNESS: No, I don't.

22 JUDGE HAYNES: Mr. Goldstein, did you file

1 these on e-Docket or did you provide hard copies to
2 the court reporter.

3 MR. GOLDSTEIN: Hard copies to the court
4 reporter, Judge.

5 JUDGE HAYNES: Then ComEd Exhibits 1, 2, and 3
6 are admitted into the record.

7 (Whereupon, ComEd Exhibit
8 Nos. 1, 2, and 3 were admitted
9 into evidence.)

10 JUDGE HAYNES: I have some questions and I know
11 that you wanted to jump in. You can go first and
12 maybe you will ask the ones I wanted to ask.

13 CROSS-EXAMINATION

14 BY

15 MR. THOMAS HOSEK:

16 Q First of all, where did you start the
17 inspection from? What address?

18 A The substation.

19 Q Which is located where?

20 A It's just behind -- I took the bike trail
21 all the way back to the station.

22 Q You're talking about 143rd?

1 A Yes. It goes along the bike trail, as
2 you're probably aware, all the way to Parker. Then
3 it comes all the way up Parker, crosses over 143rd,
4 then there's a downfeed there that goes into your
5 subdivision. I'm sure you're familiar with it.

6 Q The downfeed is where, at 143rd?

7 A No. It's on Parker.

8 Q So it's coming in from the west off of
9 Parker into the subdivision?

10 A Yes. There are actually two feeds. The
11 one that had the most recent outage was that fuse.

12 Q Okay. So we're at the tail end starting at
13 the address next door, 13310, which is my next door
14 neighbor, the Morans, going east. There are seven
15 homes on that feed; correct?

16 A No. There are many, many homes on that
17 feed.

18 Q Okay.

19 A When that fuse blew on 7-18-12, it was
20 affecting either 46 or 64 homes. I don't know if you
21 permit me to pull that information out. I was told I
22 wasn't allowed to have any notes; is that correct?

1 JUDGE HAYNES: It just depends. Maybe your
2 attorney could point you on the record here.

3 MR. GOLDSTEIN: I think it's on Exhibit 2.
4 Page 2 of Exhibit 2, customers affected. You see
5 that on here, Mr. Dolecheck?

6 THE WITNESS: There were 64 customers affected
7 at that time.

8 BY MR. THOMAS HOSEK:

9 Q So there is 64 on the Tuesday failure?

10 A Yes.

11 Q And the feed is definitely coming in from
12 Parker?

13 A Yes.

14 Q Okay. Why is it then my next door
15 neighbors at 13310 Choctaw to where the creek goes
16 in -- like I said, there's seven homes there -- those
17 homes are losing power, the people to the west are
18 not?

19 A I cannot find any outages that indicate
20 seven customers, so I can't answer your question.

21 Q You haven't found anybody -- let me ask you
22 this: I complained about the number of outages we

1 had. If my neighbors didn't complain, it's not
2 recorded?

3 A I didn't say that.

4 Q That's what I'm asking you. Is that how it
5 works? If I don't issue a complaint and my neighbor
6 doesn't issue a complaint, you don't count that?

7 MR. GOLDSTEIN: As what?

8 MR. THOMAS HOSEK: As a failure.

9 MR. GOLDSTEIN: A failure of what?

10 MR. THOMAS HOSEK: The feed.

11 JUDGE HAYNES: An outage?

12 BY MR. THOMAS HOSEK:

13 Q Or do you take into account and record that
14 there are X number of people on the feed for the
15 failure and all those homes are counted as failures?

16 A Yes.

17 JUDGE HAYNES: I guess I'm confused. How is
18 this number 64 generated? Is that people that called
19 in or you just know that 64 people would have been
20 out because of how it's setup.

21 THE WITNESS: The system is mapped live. We
22 can imagine this large board system. And we know how

1 many people are on that fuse at any given moment.
2 When that fuse opens -- we don't know when that fuse
3 opens -- we have to wait for phone calls to tell us
4 there's an outage. That is true. But when we go
5 out, we find out that the this fuse opened, which it
6 did, then we know how many customers are affected by
7 that fuse being open. So that's how that's
8 determined and that's system wide.

9 BY MR. HOSEK:

10 Q You've got me confused. If there were --
11 let's start over again. That feed is coming in from
12 Parker and you have a total of 64 people that are
13 being fed off of that fuse; correct?

14 A Yes.

15 Q How can 7 or 8 people be affected and not
16 the rest of the people on that feed?

17 A I cannot answer your question. I have no
18 record that indicates only 7 or 8 people were
19 affected.

20 Q So you've taken from your records who's
21 supposed to be on that feed are the ones that are
22 affected?

1 A Yes.

2 Q Okay. When you did this research on this
3 document here, there are two addresses that are on my
4 street, the four outages?

5 A Uh-huh.

6 Q Can you tell me where those homes are west
7 or east of me because I gave them four addresses to
8 look up for information?

9 A Uh-huh.

10 From this document I can't tell you
11 anymore than what you see, sir.

12 Q Okay. And the last -- since the last
13 meeting, ComEd has had contractors out working west
14 of me on Choctaw. They were replacing feeds and
15 power feeds to homes. Is that the result because
16 people are having too many outages or you've found
17 problems to the west?

18 A When you say "to the west," do you mean
19 along Parker, sir?

20 Q No. I'm talking about on Choctaw. I can
21 tell you exactly where it started from.

22 A Do you know the date that was, sir?

1 Q When did we meet last time?

2 JUDGE HAYNES: June 25th.

3 BY MR. THOMAS HOSEK:

4 Q Between June 25th and they finished up

5 about a week ago. I noticed another crew was out

6 connecting the power feeds to the boxes?

7 A I'm not aware of that work.

8 Q The work started at approximately 13406

9 Choctaw and they did approximately five homes on that

10 side of the street and then they did some on the

11 south side?

12 A And what did they do?

13 Q They were digging up and replacing the

14 cable because I went down there and talked to the

15 contractor. He said they were replacing the power

16 cables. I would say about a week to ten days ago

17 another crew came in and they were working on the

18 boxes, so I am assuming they were connecting the

19 power because everything has been restored?

20 JUDGE HAYNES: Those house that were getting

21 work done, are they the houses that go out when you

22 go out?

1 MR. THOMAS HOSEK: That's what I'm trying to
2 find out?

3 JUDGE HAYNES: You testified that 7 houses are
4 affected when you lose your power.

5 MR. THOMAS HOSEK: Right.

6 JUDGE HAYNES: So those 7 houses -- you know
7 what those 7 houses are; right?

8 MR. THOMAS HOSEK: Yes.

9 JUDGE HAYNES: So were the houses that were
10 being worked on that you talked about, are those the
11 same set of houses that are affected when you're
12 affected?

13 MR. THOMAS HOSEK: I don't know.

14 MR. GOLDSTEIN: Judge, then I'm going to object
15 to the question. He's assuming something that's not
16 in evidence. It probably is totally irrelevant and
17 it's no way for the witness to even answer the
18 question.

19 JUDGE HAYNES: I kind of agree, but maybe we
20 can get a little bit more information if that's
21 possible.

22 So if this -- the houses you're

1 talking about just now where they were working, are
2 they in your subdivision?

3 MR. THOMAS HOSEK: Yes, they are. They are
4 right down the block.

5 JUDGE HAYNES: And, Mr. Dolecheck, is the whole
6 subdivision served by the same feeder?

7 THE WITNESS: Yes. There is fuses that come
8 off, yes. I don't have the whole subdivision
9 memorized, but pretty much, yes.

10 JUDGE HAYNES: So how many fuses are in the
11 neighborhood then?

12 THE WITNESS: Well, there's always two fuses in
13 any underground loop typically. That way we can
14 switch you if there is a fault, we can switch you
15 back, otherwise we can't do that.

16 JUDGE HAYNES: So with that configuration, is
17 it possible that part of his neighborhood could blow
18 a fuse and other parts of his neighborhood not have a
19 problem?

20 THE WITNESS: By definition, part of it will go
21 out and part of it will not almost certainly.

22 JUDGE HAYNES: Okay. And would that explain

1 how some of his neighbors could be on and some not
2 on.

3 THE WITNESS: Yes, although I don't see the
4 seven number that he's referring to.

5 JUDGE HAYNES: Did you look at how many houses
6 are on his fuse?

7 THE WITNESS: I didn't count them, no.

8 JUDGE HAYNES: Okay.

9 Go ahead if you want to continue.

10 BY MR. THOMAS HOSEK:

11 Q When you determined it was not a problem
12 with my feed, did you do a comparison of other feeds
13 around us to see how many outages were reported?

14 A No.

15 Q So you are just basing it --

16 MR. GOLDSTEIN: When you say around them, you
17 mean in your subdivision or in Homer Glen or what?

18 MR. THOMAS HOSEK: In my subdivision there's
19 got to be more than one feed for the homes. From the
20 start of this I've been explaining about seven to
21 eight homes that are affected repeatedly and I've
22 been concentrating on those seven or eight. And I

1 was under the impression that the feed came in along
2 the creek, along the bike track from 143rd; but now
3 you're telling me that it's coming in from Parker.

4 A There are two feeds to every subdivision
5 like that. So the one that went is along Parker and
6 the other one is up around the corner. I don't
7 remember exactly the location. I don't know how
8 technical you wanted to get.

9 JUDGE HAYNES: Mr. Hosek seems to want to hear
10 it.

11 THE WITNESS: If you want to go a little
12 technical, I would be glad to explain how the system
13 works, if that's okay with counsel on my part?

14 MR. GOLDSTEIN: Absolutely.

15 THE WITNESS: So there are an underground
16 system of cables. And in order to restore customers
17 in an expedient manner, there are two fuses that feed
18 the underground system. And as such there is what's
19 called an open. In other words, the power goes this
20 way to a certain point and then the power goes that
21 way to a certain point and they don't connect
22 together. And this is well beyond this discussion

1 for why that is. That is how it works.

2 So when Mr. Hosek or anybody else has
3 an outage, this fuse will blow. We will move that
4 open to such that we can restore him. So at any
5 given time depending on where that open is in the
6 system, and, again, I don't mean to beat this horse;
7 but if you want to understand how it goes, that will
8 affect how many customer go out when a certain fuse
9 blows. And we know where that open is and when that
10 fuse goes, that's what we record.

11 BY MR. HOSEK:

12 Q All right. I understand what you're
13 saying. It's just like a fiber loop?

14 A Well, a fiber loop is always connected;
15 but, yes, they're not too different. I used to build
16 fiber loops.

17 Q When these feeds go bad and you switch it
18 over to the other feed, do we stay on that feed all
19 the time?

20 A You stay on until whatever the cause was
21 repaired and you get switch backed.

22 Q Then it will switch back the primary feed?

1 A Uh-huh -- yes. Primary is not a good term;
2 but we never want everybody to be on one feed because
3 when that fuse goes, everybody goes and we can't
4 restore you.

5 Q So when you went back and researched the
6 outages, did you determine that we're always on the
7 primary feed when the failures occurred?

8 A I looked at the causes for your
9 transformer. Now, I did not find any occurrences
10 where that other fuse had -- and, again, I only went
11 back to 2010 -- where the other fuse had activated,
12 only the fuse we have talked about that's along
13 Parker Road.

14 Q Okay. So you only went back to '10. So
15 there is no way to determine if the three failures
16 from November 26th of '09, through August 3rd of '08
17 were caused by the same transformer failure?

18 A I did not look up that information.

19 Q And the same thing further down. There's
20 three more outages.

21 A Right. We normally don't look back that
22 far because the further back you go, it really

1 doesn't provide any meaningful information for trends
2 and that's what we look for.

3 Q If you're looking for a trend and you get
4 an interruption to service, how do you bill your
5 case?

6 MR. GOLDSTEIN: Who?

7 BY MR. THOMAS HOSEK:

8 Q Well, I'm used to troubleshooting. If I
9 have a customer that's telling me, I'm taking errors
10 or losing service and there is no explanation of why,
11 I'm going to start digging further and further back
12 to find out -- there's got to be a common denominator
13 some place and what's causing this.

14 The other thing is, if I got other
15 customers in the area and they're not taking hits and
16 it's always with a certain group, it's going to
17 pinpoint that there is a problem with that feed or
18 that source. If my neighbor across the street has
19 not had a failure in the 8 or 9 years and I've had 16
20 of them, there is a problem.

21 A I would just say we're not troubleshooting
22 telecom systems, sir.

1 Q But you're losing that power. You're
2 losing that power and you're losing that service.

3 MR. GOLDSTEIN: Well, rather than argue with
4 the witness, Mr. Hosek, why don't you just ask him
5 some questions.

6 BY MR. HOSEK:

7 Q Did you go back and research beyond the two
8 years?

9 A I did not.

10 Q Did you look at anybody else's outages?

11 A I did not.

12 Q So how are we going to establish if there
13 is or isn't a problem? As far as I'm concerned,
14 you've got to base it on what the whole area of
15 service. You're there to provide service. If half
16 the area is getting good service with no failures and
17 the other half is taking failures on a regular basis
18 over years, there's a problem some place.

19 A We look at each individual service
20 individually. That's the only way you can look at
21 it, in my opinion.

22 Q And did you compare this to any other

1 customers?

2 A No. We looked at your service and your
3 issues to see if we can determine a trend that will
4 address your problems. That's how it is done.

5 JUDGE HAYNES: So based on your experience at
6 ComEd, does Mr. Hosek have a large amount of outages?

7 THE WITNESS: That's a very subjective
8 question. We had -- and I will give you my best
9 subjective answer that I can, your Honor -- 2011 was
10 an extraordinary year for ComEd in terms of storms.
11 You're probably aware of that if you live in this
12 area.

13 JUDGE HAYNES: And work at the Commission.

14 THE WITNESS: And work at the Commission. So
15 you probably quite aware of that. So when he has an
16 emergency during a storm in '10, he has on 2-1-11 --
17 we refer to that as stormageddon where there was a
18 horrible storm. There was an ice/snow outage. And
19 then I believe that 6-9-11 was another large storm as
20 was 7-24-11, one due to lightening and one due to
21 tree contact. I would not assign that a trend.

22 JUDGE HAYNES: No trend. And you stated that

1 before; but compared to other customers, do you have
2 an opinion on other customers' history that you have
3 looked at over the years or if you're able to answer
4 that?

5 THE WITNESS: I don't think I can answer that
6 with any accuracy, your Honor. I'm sure some
7 customers have less and I'm sure some customers have
8 more.

9 JUDGE HAYNES: Okay.

10 BY MR. HOSEK:

11 Q This tree that came off on 7-4-11, where
12 was that at?

13 A Along Parker Road.

14 Q A tree hit the cable?

15 A I wasn't there so I have to go from the
16 records that we have. But there was a tree that
17 contacted the wires and caused an outage along Parker
18 Road.

19 Q But that's all underground; correct?

20 A No, it's all overhead.

21 Q On Parker?

22 A Yes.

1 Q So it's got to be by the water company?

2 A Yeah, the water company is on the east
3 side. It's all overhead -- from the fuse it's all
4 overheard all the way down to the bike path.

5 Q The bike path is to the south?

6 A Right. That's where it goes.

7 Q Okay.

8 JUDGE HAYNES: If you don't have a question, I
9 did have a question.

10 MR. THOMAS HOSEK: Go ahead.

11 EXAMINATION

12 BY

13 JUDGE HAYNES:

14 Q The feeder number appeared to change in
15 2007. Do you know what that change is from or why?

16 A One moment please.

17 MR. GOLDSTEIN: Do you have a specific page
18 you're looking at on Exhibit 1?

19 THE WITNESS: Probably about eight, nine pages
20 down.

21 JUDGE HAYNES: The July 7th, 2007 outage has
22 feeder number J8775. And then the July 26th has

1 J1691.

2 THE WITNESS: Yes. You also see further back
3 there is also J8773. I didn't look at that. I could
4 be fairly competent in speculating that we do move
5 load based on system needs. And it would appear to
6 me, just, again, speculating because we don't do it
7 for no purpose, that there must have been a need to
8 move load. And that's why you can also see it's a
9 different station well. I would speculate that that
10 was the reason. That would come from our Planning
11 Department.

12 Q So 2006 seemed to be a particularly bad
13 year for Mr. Hosek's home.

14 MR. THOMAS HOSEK: I believe that was the year
15 I talked to ComEd because we lost power four times
16 that year.

17 JUDGE HAYNES: More.

18 THE WITNESS: During the summer months was when
19 we were losing power on a bright sunny day and it was
20 going down completely. And that's when I had the
21 conversations with the repairman about there's a
22 problem in the area and they can't find it.

1 JUDGE HAYNES: Okay. But the witness didn't
2 look at that.

3 BY MR. HOSEK:

4 Q So I have one other question. Why did you
5 move up the power feed again, other than based on
6 what you said about -- there was no building going
7 on. There was no major construction in the area.
8 What would increase the load?

9 A I've given the best answer I can based on
10 what I believe is probably true. I'm speculating,
11 but, again, that is typically why that is done.

12 JUDGE HAYNES: Did you have any further
13 questions for the witness?

14 MR. THOMAS HOSEK: I'm looking at something.
15 I'll be right with you.

16 BY MR. HOSEK:

17 Q Since we've been moved to this new feeder,
18 there's been 10 times we've lost power. I'll give
19 you the benefit of the doubt with the public damage
20 one. And I totally disagree with ComEd's position
21 that the one outage on June 9th when the storms hit
22 on the north side of Chicago. When that power went

1 out, there was nothing going on by us. There was no
2 storms, no lightening, no wind, no nothing and we
3 lost power. So that still gives you eight different
4 outages on our feed again. And my question is how
5 comparable is it with everybody else. Until I see
6 that, I'm not going to be happy. There is something
7 going on. It's a matter -- without the records, I
8 don't know how I'm going to prove it.

9 JUDGE HAYNES: Okay. I don't think there was a
10 question there.

11 MR. THOMAS HOSEK: I just wanted to point out
12 the ten outages since they switched the feeder.

13 JUDGE HAYNES: And did you have any redirect
14 for your witness?

15 MR. GOLDSTEIN: I have no redirect.

16 JUDGE HAYNES: Okay. Is there anything you
17 would like to add? Statements? I think you've made
18 yourself clear, but if you would like to add a
19 statement, that would be fine.

20 MR. THOMAS HOSEK: The only thing I plan to do
21 is contact an attorney that deals with the Commerce
22 Commission and give him this information and go on

1 their advise about proceeding.

2 JUDGE HAYNES: Okay. I don't remember if we've
3 covered this previously, but after this hearing today
4 I will be issuing an order. And based on that order,
5 you can file a brief responding to my conclusions in
6 it. And then after the parties brief that, then I
7 present that order to the Commissioners who then
8 either adopt my order or change it and that becomes
9 the decision of the Commission. Of course you are
10 free at any point to talk to an attorney.

11 Mr. Goldstein, did you want to add
12 anything?

13 MR. GOLDSTEIN: In way of closing?

14 JUDGE HAYNES: Sure.

15 MR. GOLDSTEIN: I think that this complaint is
16 based solely on assumption, presumption, and
17 speculation. There is no proof of any kind of a
18 trend. We've had a witnesses who's an expert-type
19 witness who's worked with the Company for years and
20 examined at least the four outages beginning in 2010
21 through July of 2011 and has made his conclusion
22 quite clear on the record. And I think based upon

1 all of that, this complaint should be denied.

2 JUDGE HAYNES: Okay.

3 MR. THOMAS HOSEK: I disagree with his
4 statement about there's no basis for this. You can't
5 establish a base if there's a problem or not without
6 researching what's going on with the other feeders in
7 the area in Homer Glen. Comparing the number of
8 outages that I have had and my neighbors have had
9 compared that with other neighbors. If it's
10 successive, then there is a problem.

11 And we haven't established that
12 because the information is not available for me to
13 get to compare. There is a document that's shown
14 that some people have as many as four outages and
15 there's others that had one to zero and they're all
16 around me, but we don't know what feeds they're on
17 and where those feeds are and how they come into the
18 area. Why aren't they suffering more outages than
19 they are. Plus the fact this is only a two and a
20 half year basis. We've been suffering outages for at
21 least eight, nine, years.

22 JUDGE HAYNES: Okay. Then the docket is marked

1 heard and taken.

2 Heard and taken.

3 FURTHER DEPONENT SAITH NAUGHT. . .

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